

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MAY 14 2024

1245

**MITCHELL R. ELFERS**  
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**HERBERT BEN, JR.,**

Defendant.

CRIMINAL NO. 24-CR-640 mv

Count 1: 18 U.S.C. §§ 1153, 2241(c), and  
2246(2)(B): Aggravated Sexual Abuse;

Count 2: 18 U.S.C. §§ 1153, 2241(c), and  
2246(2)(D): Aggravated Sexual Abuse;

Count 3: 18 U.S.C. §§ 1153, 2244(a)(5),  
and 2246(3): Abusive Sexual Contact.

INDICTMENT

The Grand Jury charges:

Count 1

Between on or about July 7, 2018, and on or about July 6, 2019, in Indian Country, in Rio Arriba County in the District of New Mexico, the defendant, **HERBERT BEN, JR.**, an Indian, unlawfully and knowingly engaged in and caused a sexual act with Jane Doe 1, a child who had not then attained the age of 12 years, and the sexual act consisted of contact between the mouth and the penis.

In violation of 18 U.S.C. §§ 1153, 2241(c), and 2246(2)(B).

Count 2

Between on or about July 7, 2019, and on or about July 6, 2020, in Rio Arriba County, in the District of New Mexico, the defendant, **HERBERT BEN, JR.**, an Indian, unlawfully and knowingly engaged in and attempted to engage in a sexual act with Jane Doe 1, a child who had not then attained the age of 12 years, and the sexual act consisted of the intentional touching, not through the clothing, of the genitalia of Jane Doe 1 with the intent to abuse, humiliate, harass, degrade, and arouse and gratify the sexual desire of any person.

In violation of 18 U.S.C. §§ 1153, 2241(c), and 2246(2)(D).

Count 3

Between on or about October 26, 2018, and on or about October 25, 2020, in Indian Country, in Rio Arriba County, in the District of New Mexico, the defendant, **HERBERT BEN, JR.**, an Indian, unlawfully and knowingly engaged in and caused sexual contact with Jane Doe 2, a child who had not then attained the age of 12 years, and the sexual contact consisted of the defendant causing Jane Doe 2 to intentionally touch the defendant's genitalia directly and through the clothing, with the intent to abuse, humiliate, harass, degrade, and arouse and gratify the sexual desire of any person.

In violation of 18 U.S.C. §§ 1153, 2244(a)(5), and 2246(3).

TRUE BILL:

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FOREPERSON OF THE GRAND JURY

  
Assistant United States Attorney